

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Edwards Lifesciences LLC,

Plaintiff(s),

v.

Medtronic, Inc.,

Defendant(s).

No. C 03-3817 JSW (WDB)

ORDER FOLLOWING APRIL 14, 2004,
DISCOVERY CONFERENCE

On April 14, 2004, the court conducted a Discovery Conference in this case. For reasons set forth with more particularity on the record, the court ORDERED as follows:

1. The undersigned lacks the authority to alter the briefing schedule or hearing date set by Judge White on defendant Medtronic's motion to dismiss. If the parties wish to adjust the briefing schedule or hearing date, they must apply directly to Judge White. I suggest that the parties apply by way of stipulation and proposed order before resorting to motion practice.

2. The undersigned lacks the authority to expand the scope of discovery beyond the ownership issues, and I DECLINE to make any such recommendation to Judge White.

3. The Court hereby DENIES plaintiff's request for documents and evidence from defendant Medtronic that allegedly support Medtronic's positions about conception and

1 reduction to practice of the "Fogarty intraluminal graft." This request is beyond the
2 scope of discovery permitted by Judge White's March 19, 2004, Order.

3 4. At this juncture, defendants may depose co-inventors Yu and White for a
4 maximum of one day each regarding activities and commitments arguably related to the
5 matters embraced by the patents in suit during the periods either co-inventor had a
6 relationship with REI or Medtronic or used (in connection with the patented matter) any
7 REI facilities or equipment.

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10 **ORDERED AFTER HEARING**

11 The Court also hereby ORDERS that, in connection with the depositions of co-
12 inventors Yu and White, Medtronic may seek unprivileged documents from both co-
13 inventors in the subject areas listed above.

14
15 IT IS SO ORDERED.

16 Dated: April 14, 2004

/s/ Wayne D. Brazil _____

17 WAYNE D. BRAZIL
18 United States Magistrate Judge

19 Copies to:
20 All parties,
21 JSW, WDB, stats
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